



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 15, 2003**

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19-03

PW:pw

The meeting was called to order at 9:25 a.m., with all Members being present, with the exception of Supervisor Mendelsohn, and with Chairman Hanley presiding.

Supervisor Mendelsohn arrived at 1:55 p.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **WELCOME TO MR. J. WALTER TEJADA** (Tape 1)

Chairman Hanley recognized the presence of Arlington County Board Member J. Walter Tejada and welcomed him to the Board Auditorium.

2. **ORDERS OF THE DAY** (Tape 1)

Chairman Hanley announced that there would be a change in the Orders of the Day and that Items Presented by the County Executive and Board Matters would be heard later in the meeting, following the afternoon public hearings.

(NOTE: Later in the meeting, the Items Presented by the County Executive and additional Board Matters were heard. See the Index.)

3. **ANNOUNCEMENT OF CHANNEL 16 LIVE** (Tape 1)

Chairman Hanley announced that the County initiated Channel 16 live video streaming of all Channel 16 programming on the Internet, including live broadcasts of the Board of Supervisors' meetings.

(NOTE: Later in the meeting, the Board considered Information Item I5 – Channel 16 to Video Stream Signal. See the Index.)

4. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to continue to keep in thoughts and prayers those who defend the country, at home and around the world, and the families that support them.

Supervisor Gross also asked everyone to keep in thoughts and prayers the family of Ms. Andrea Ley Hutson who recently died. Ms. Hutson was a former Fairfax County employee, was instrumental in the founding of Barrios Unidos/United Neighborhoods, Incorporated, an organization committed to fighting street violence, and continued her work with the USDA Army/Air Force Youth Project.

Supervisor Hyland also asked everyone to keep in thoughts and prayers the families of two Waynewood Community residents, Colonial Ed Smith and Judge Arch Royall, who recently died.

Supervisor Hyland also asked everyone to keep in thoughts and prayers the family of Mr. Rufus Wright, who recently died.

AGENDA ITEMS

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MICHAEL BUTTERS** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Michael Butters for being named AAA Mid-Atlantic 2003 Outstanding School Safety Patrol. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

6. **CERTIFICATE OF RECOGNITION FOR CITIZENS AND DEVELOPERS WHO MADE PROPERTIES FOR TRAINING AVAILABLE TO FAIRFAX COUNTY PUBLIC SAFETY** (Tape 1)

Chairman Hanley announced that the presentation of this certificate will be rescheduled for a later date.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE VIENNA VOLUNTEER FIRE DEPARTMENT** (Tape 1)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Vienna Volunteer Fire Department for 100 years of service to the citizens of the Town of Vienna and Fairfax County. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

(NOTE: Later in the meeting, the Board took action regarding the Vienna Volunteer Fire Department. See Clerk's Summary Item CL#75.)

8. **PROCLAMATION DECLARING SEPTEMBER 15 – OCTOBER 15, 2003, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to declare September 15 – October 15, 2003, as "*Hispanic Heritage Month*" in Fairfax County. Supervisor Connolly and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

9. **PROCLAMATION DECLARING OCTOBER 2003 AS "COMBINED CHARITABLE CAMPAIGN MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to declare October 2003 as "*Combined Charitable Campaign Month*" in Fairfax County. Supervisor Hudgins and Vice-Chairman Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

10. **PROCLAMATION DECLARING SEPTEMBER 22 – 26, 2003, AS "SUBSTANCE ABUSE AWARENESS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to declare September 22 – 26, 2003, as "*Substance Abuse Awareness Week*" in Fairfax County. Vice-Chairman Hyland seconded the motion and it carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

11. **10 A.M. – PRESENTATION ON THE SMITHSONIAN'S NEW AIR AND SPACE MUSEUM FACILITY LOCATED IN FAIRFAX COUNTY** (Tapes 1-2)

General J.R. "Jack" Dailey, Director, Smithsonian Institutional National Air and Space Museum, gave a presentation regarding the new air and space museum facility located in Chantilly, which is scheduled to open in December.

A brief discussion ensued.

NV:nv/PMH:pmh

12. **10:15 A.M. – PH ON ADOPTION OF AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO INCREASE THE ELIGIBILITY REQUIREMENT FOR REAL PROPERTY TAX AND RELIEF TO CERTAIN ELDERLY AND DISABLED PERSONS AND PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2003 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2004 REVISED BUDGET PLAN**
(Tapes 3–5)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of the public hearing regarding the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to increase the eligibility requirement for real property tax and relief to certain elderly and disabled persons was duly advertised in that newspaper in the issues of August 28 and September 4, 2003.

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of the public hearing on the County and Schools' FY 2003 Carryover Review to amend the appropriation level in the FY 2004 Revised Budget Plan was duly advertised in that newspaper in the issue of September 4, 2003.

Susan Datta, Director, Department of Management and Budget, and Michael H. Long, Senior Assistant County Attorney, presented opening statements.

Following the testimony of Joan Bliss, Treasurer, Great Falls Volunteer Fire (VFD) Department (Speaker 5), Chairman Hanley announced that Supervisor Mendelsohn was not present because he was in Richmond attending a meeting.

Chairman Hanley noted that the Great Falls Volunteer Fire Department is planning construction of a new facility to replace the existing fire station that was built in 1961 and has become inadequate for the growing needs of the Great Falls community. The estimated cost for construction of the new facility is \$4 million, and the VFD is proposing a public-private partnership that will provide an ample savings to the County and will maintain an important volunteer opportunity for citizens. Of the \$4 million estimated costs, the VFD proposes to raise \$2.5 million through fundraising efforts and is requesting that the balance of \$1.5 million be allocated to this project from public funds. The benefit to the County of this cost sharing proposal is significant.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and, on behalf of Supervisor Mendelsohn, asked unanimous consent that this matter be referred to the County Executive for exploration of the feasibility of this public-private funding mechanism and that the County Executive report his findings as soon as

possible to enable the VFD to proceed with fundraising at the earliest possible opportunity. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following the testimony of Brenda Otis, Representative, Employee Child Care Council (Speaker 12), there was a brief discussion, with input from Ms. Datta.

(Tape 4)

Following the testimony of Dave Redman, Chairman, Fairfax-Falls Church Community Services Board (Speaker 19), discussion ensued with input from Ms. Datta and Mr. Redman.

(Tape 5)

Chairman Hanley closed the public hearing, which included testimony by 42 speakers, but left the written record open.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#17.)

13. **ORDERS OF THE DAY** (Tape 5)

Chairman Hanley announced that the Board would recess to attend the 9-11 Memorial Grove Garden Dedication at 1 p.m., followed by decision on the Code amendment and the Carryover Budget, followed by closed session, the afternoon public hearings, Items presented by the County Executive, and Board Matters.

(NOTE: Later in the meeting, the Board changed the Orders of the Day. See Clerk's Summary Item CL#18.)

14. **RECESS** (Tape 5)

At 12:55 p.m., the Board recessed, and at 1:55 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Connolly and Supervisor Kauffman, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTERS

15. **EXPRESSION OF APPRECIATION TO OFFICE OF PUBLIC AFFAIRS**
(Tape 5)

On behalf of the Board, Chairman Hanley expressed appreciation to Merni Fitzgerald, Director, Office of Public Affairs, and her entire office for organizing the 9-11 Memorial Grove Garden Dedication.

16. **PUBLIC HEARING DEFERRALS** (Tape 5)

Supervisor Mendelsohn announced his intent to defer decision on the Creation of a Small Sanitary District for Refuse Collection Services (Dranesville District) until November 17, 2003.

Supervisor Frey announced his intent to defer, at the appropriate time later in the meeting, the public hearings for Rezoning Applications RZ 2003-SU-005 and RZ 2003-SU-028 until September 29, 2003.

Supervisor Hyland announced his intent to defer, at the appropriate time later in the meeting, decision on Rezoning Application RZ 2002-MV-037 until September 29, 2003.

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Items CL#37, CL#39, and CL#44.)

AGENDA ITEMS17. **BOARD DECISION ON THE ADOPTION OF AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO INCREASE THE ELIGIBILITY REQUIREMENT FOR REAL PROPERTY TAX AND RELIEF TO CERTAIN ELDERLY AND DISABLED PERSONS AND THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2003 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2004 REVISED BUDGET PLAN**
(Tapes 5-6)

(SAR)

(FPR) (O) (NOTE: Earlier in the meeting, the Board held the public hearing. See Clerk's Summary Item CL#12.)

Following the inclusion of items for the record, Chairman Hanley closed the public hearing.

Following a statement, Supervisor Bulova moved approval of Supplemental Appropriation Resolution (SAR) AS 04024 and Amendment to the Fiscal Planning Resolution (FPR) AS 04901 (which includes the revenue, expenditure and transfer adjustments and grant awards and adjustments contained in the County and Schools' Carryover Review) and the Budget Chairman's recommended adjustments to the Carryover package. This action results in a balance of \$4.1 million. Chairman Hanley seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, and Edward L. Long, Jr., Chief Financial Officer, Supervisor Hyland asked unanimous consent that the Board direct staff to explore any opportunity to reduce the County's match and the County's cost as well as the overall cost of Occoquan River dredging to use the funds for the Laurel Hill asbestos removal project. Without objection, it was so ordered.

Further discussion ensued with input from Robert A. Stalzer, Deputy County Executive, regarding the public safety center.

Following discussion, with input from Susan Datta, Director, Department of Management and Budget, Supervisor Connolly moved to amend the motion to increase the asset threshold from the current \$160,000 to \$240,000 (State ceiling) for tax relief for senior citizens and disabled persons. Supervisor Hudgins seconded the motion.

Following discussion, with input from Ms. Datta, the question was called on the amendment to the motion, and it **FAILED** by a recorded vote of five, Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting “**AYE.**”

Supervisor McConnell moved to amend the motion that the Board direct the County Executive to report with recommendations for relief for the elderly during the next budget cycle. Supervisor Kauffman seconded the motion.

Supervisor Connolly asked to amend the motion to direct the County Executive to include in his proposed budget for FY 2005, a recommendation for Board consideration of raising the asset level to the State ceiling, and this was accepted.

Following discussion, with input from Verdia Haywood, Deputy County Executive, the question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley, voting “**AYE,**” Supervisor Frey and Supervisor Mendelsohn voting “**NAY.**”

Supervisor Bulova moved that the Board direct:

- The Department of Management and Budget and the Fairfax-Falls Church Community Services Board (CSB) to identify an appropriate position to handle the psychiatrist duties administratively.
- Staff to report with information at the Board meeting scheduled for September 29, regarding the balance in the CSB fund and how it may be able to be used to offset some of the funding issues noted this morning.

Supervisor Hyland seconded the motion.

Following discussion, the question was called on the motion, and it carried by unanimous vote.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-14-2, that would increase the net combined financial worth eligibility requirement for tax

relief for the elderly and disabled persons from \$160,000 to \$190,000. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

Supervisor Bulova moved approval of the transfer of 40 percent of the Available Balance or \$1.62 million to the Revenue Stabilization Fund. Supervisor Hyland seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

Supervisor Bulova moved approval of the transfer of an additional \$2.4 million to the Schools. The balance after this adjustment is \$0. Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

Supervisor Bulova moved approval of adjusting the Managed Reserve to maintain the reserve at two percent of total disbursements based on actions taken by the Board as part of the Carryover Review. Supervisor Connolly seconded the motion and it carried by unanimous vote.

18. **ORDERS OF THE DAY** (Tape 6)

Chairman Hanley announced that the Board would proceed with the items presented by the County Executive.

SBE:sbe

19. **ADMINISTRATIVE ITEMS** (Tape 7)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hudgins seconded the motion.

Supervisor Connolly called the Board's attention to Admin 2 – Supplemental Appropriation Resolution AS 04031 for the Office of Partnerships to Accept Grant Funding from Project Discovery of Virginia, Incorporated, and a brief discussion ensued.

Chairman Hanley called the Board's attention to:

- Admin 16 – Supplemental Appropriation Resolution (SAR) AS 04033 for the Continuation of the Ongoing Federal Early Head Start Program Grant within the Department of Family Services/Office for Children

- Admin 18 – Supplement Appropriation Resolution SAR AS 04032 for the Continuation of the Ongoing Federal Head Start Program Grant within the Department of Family Services/Office for Children

and discussion ensued with input from Dana W. Paige, Director, Department of Family Services.

Supervisor Connolly called the Board's attention to Admin 1 – Board of Supervisors' Meeting Schedule for Calendar Year 2004 and pointed out, for the record, that there are two meetings in September and one each in October, November, and December.

The question was called on the motion, which carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

ADMIN 1 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2004

(NOTE: Earlier in the meeting, there was a brief discussion of this item. See above.)

Approved the meeting schedule for January through December 2004.

ADMIN 2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04031 FOR THE OFFICE OF PARTNERSHIPS TO ACCEPT GRANT FUNDING FROM PROJECT DISCOVERY OF VIRGINIA, INCORPORATED

(SAR) (NOTE: Earlier in the meeting, there was a brief discussion of this item. See page 8.)

Approved SAR AS 04031 in the amount of \$70,564 for the Fairfax County Project Discovery program. Of this total, \$26,564 is funding from Project Discovery of Virginia, Incorporated, and the remaining \$44,000 is the required local cash match.

**ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04028 FOR THE FAIRFAX COUNTY JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT (JDRC) TO ACCEPT GRANT FUNDS
FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE
SERVICES (DCJS) TO CONTINUE THE YOUNG OFFENDER
PROGRAM**

- (SAR) Approved SAR AS 04028 in the amount of \$166,023 for JDRC to continue the Young Offender Program. Of this total, \$127,017 reflects funds from DCJS, while the remaining \$39,006 reflects the required local cash match.

**ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 00-V-033, WILLIAM V.
BALDWIN (MOUNT VERNON DISTRICT)**

- (AT) Approved six months of additional time to commence construction for Special Exception Application SE 00-V-033, to January 8, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR PUBLIC
FACILITY 2232 REVIEW APPLICATIONS (HUNTER MILL, MASON,
AND SPRINGFIELD DISTRICTS)**

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application 2232-M03-11 to November 22, 2003
- Application FS-S03-23 to December 8, 2003
- Application FS-H03-24 to December 8, 2003

**ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04030 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF STATE POLICE
GRANT FUNDING FOR A HELP ELIMINATE AUTO THEFT
PROGRAM**

- (SAR) Approved SAR AS 04030 in the amount of \$6,911 for the FCPD to support the acquisition of equipment to outfit “bait cars” for the purpose of apprehending automobile thieves. No local cash match is required.

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE DEPARTMENT OF JUSTICE (DOJ) ASSISTANCE FOR A GRANT UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM

Authorized the FCPD to apply for LLEBG funding from DOJ in the amount of \$105,554. Of this total, \$94,999 is from LLEBG, while the remaining \$10,555 is the required local cash match.

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL AND OTHER MINOR REVISIONS

- (R) (A) Adopted the Resolution authorizing the advertisement of public hearings to be held before the Planning Commission on November 12, 2003, and before the Board on **December 8, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding editorial and other minor revisions.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 27, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, to expand the West Springfield RPPD, District 7.

ADMIN 10 – INSTALLATION OF A MULTI-WAY STOP AT COOL SPRING DRIVE AND MIDWOOD STREET (MOUNT VERNON DISTRICT), AND AT THOMAS DRIVE AND MERIWETHER LANE (LEE DISTRICT)

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Cool Spring Drive and Midwood Street (Mount Vernon District)
 - Thomas Drive and Meriwether Lane (Lee District)
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 11 – INSTALLATION OF “NO PARKING” SIGNS ON ROSEMARY LANE, SOUTH SIDE, FROM GRAHAM ROAD TO THE ENTRANCE BETWEEN PROPERTY ADDRESSES 3027 AND 3025 (PROVIDENCE DISTRICT)

- (R) Adopted the Resolution authorizing the installation of “No Parking” signs on Rosemary Lane, South Side, from Graham Road to the entrance between property addresses 3027 and 3025.

ADMIN 12 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD, MASON, DRANESVILLE, PROVIDENCE, MOUNT VERNON, AND HUNTER MILL DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of R-TAP:
 - Autumn Willow Drive (Springfield District)
 - Bren Mar Drive (Mason District)
 - Juniper Lane (Mason District)
 - Rose Lane (Mason District)
 - Valley Brook Drive (Mason District)
 - Calder Road (Dranesville District)
 - Kurtz Road (Dranesville District)
 - Jefferson Avenue (Providence District)
 - US Route 50 Service Road between Marshall Street and Tripps Run Road (Providence District)
 - Williams Avenue (Providence District)
 - Woodley Place (Providence District)
 - Old Colchester Road (Mount Vernon District)
 - Westgrove Boulevard (Mount Vernon District)
 - Smithway Drive (Mount Vernon District)
 - Stowe Road (Hunter Mil District)

- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 13 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR BROOKSIDE LANE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (HUNTER MILL DISTRICT)

- Endorsed the traffic calming plan for Brookside Lane as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - One speed hump adjacent to 1725 and 1728 Brookside Lane.
 - One speed hump adjacent to 1745 and 1748 Brookside Lane.
 - One speed hump adjacent to 1775 and 1776 Brookside Lane.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 14 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR EL JAMES DRIVE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (BRADDOCK DISTRICT)

- Endorsed the traffic calming plan for El James Drive as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - One speed hump adjacent to 9260 and 9253 El James Drive.
 - One speed hump adjacent to 9232 and 9233 El James Drive.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 15 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON RIVERSCAPE RUN (DRANESVILLE DISTRICT), DONNA CIRCLE (MASON DISTRICT), AND BRIARCLIFF DRIVE (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Riverscape Run (Dranesville District)
 - Donna Circle (Mason District)
 - Briarcliff Drive (Springfield District)
 - Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 16 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04033 FOR THE CONTINUATION OF THE ONGOING FEDERAL EARLY HEAD START PROGRAM GRANT WITHIN THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN

- (SAR) (NOTE: Earlier in the meeting, there was a brief discussion of this item. See page 8.)

Approved SAR AS 04033 in the amount of \$2,283,683. Of this total, \$1,974,794 is from the Department of Health and Human Services; \$67,278 is from the US Department of Agriculture; and the remaining \$241,611 is a local cash match (to meet a portion of the required 20 percent match). The remaining program costs of \$252,088 are met through the use of existing services and other non-cash contributions identified as an in-kind match, for a total program cost of \$2,535,771.

ADMIN 17 – APPOINTMENT OF FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) REPRESENTATIVE TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

- (APPT) Confirmed the appointment of Ms. Ellie Barnes, Director, Office of Student Services of FCPS, as a FCPS Representative to the CPMT.

**ADMIN 18 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04032 FOR THE CONTINUATION OF THE ONGOING FEDERAL
HEAD START PROGRAM GRANT WITHIN THE DEPARTMENT OF
FAMILY SERVICES/OFFICE FOR CHILDREN**

(SAR) (NOTE: Earlier in the meeting, there was a brief discussion of this item. See page 8.)

Approved SAR AS 04032 in the amount of \$1,585,782. Of this total, \$1,388,030 is from the US Department of Health and Human Services, \$85,000 is from the US Department of Agriculture, and the remaining \$112,752 is a local cash match. The remaining program costs of \$234,256 are met through the use of existing services and other non-cash contributions identified as an in-kind match.

**ADMIN 19 – BOARD AUTHORIZATION OF THE DISTRIBUTION OF
AN INFORMATION STATEMENT ON THE NOVEMBER
REFERENDUM ON THE ISSUANCE OF COUNTY BONDS IN THE
MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$290,610,000 FOR
IMPROVEMENTS TO THE FAIRFAX COUNTY PUBLIC SCHOOLS
(FCPS)**

Authorized staff to print and distribute an explanatory statement concerning the forthcoming referendum on whether the County can issue bonds for the improvement of the facilities of the FCPS, as contained in the Board Agenda Item dated September 15, 2003.

**ADMIN 20 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9005 BACKLICK
ROAD (MOUNT VERNON DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2003, at 5 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 9005 Backlick Road, Fort Belvoir [Tax Map Number 109-1-((01))-0022].

**ADMIN 21 – AUTHORIZATION FOR THE FIRE AND RESCUE
DEPARTMENT (FRD) TO APPLY TO THE FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) FOR GRANT FUNDS TO
CONTINUE PARTICIPATION IN THE NATIONAL URBAN SEARCH
AND RESCUE (US&R) RESPONSE SYSTEM**

Authorized FRD to apply for US&R funds from FEMA in the amount of \$1,154,400 to continue participation in the US&R as Virginia Task Force 1. No local cash match is required.

20. **A-1 – FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) TRANSPORTATION CONTRACT REVENUE BONDS (ROUTE 28 PROJECT) SERIES 2003** (Tape 7)

(BONDS)

(R)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the issuance of the EDA Transportation Contract Revenue Bonds (Route 28 Project) which authorizes the following actions:

- Requests the EDA to issue the refunding bonds.
- Approves the form of the Fiscal Agent Agreement, including the selection of Wachovia Bank as the Fiscal Agent.
- Approves the form of the Trust Agreement.
- Approves the form of the First Supplemental Trust Agreement.
- Approves the form of the Bond Purchase Agreement.
- Approves the form of the Preliminary Official Statement and the Notice of Sale.
- Approves the form of the Continuing Disclosure Agreement.
- Authorizes the execution and delivery of the documents and authorizes the Chairman, Vice-Chairman, County Executive, and the Chief Financial Officer to determine certain details of the transaction.

A brief discussion ensued with input from Leonard P. Wales, Assistant Director, Department of Management and Budget.

Supervisor Frey seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting “AYE.”

21. **A-2 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES (BPOL) DELINQUENCY LIST FOR TAX YEAR 2002 (FISCAL YEAR 2003)** (Tape 7)

Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Authorize staff to publish lists of delinquent real estate, personal property, and BPOL taxes.

- Direct staff to return the lists of Tax Year 2002 delinquent taxes to the Department of Tax Administration (DTA) to continue collection of taxes as provided by law.

Supervisor Bulova seconded the motion.

Following discussion, with input from Kevin C. Greenlief, Director, DTA, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn voting “NAY.”

22. **A-3 – REVISIONS TO PERSONAL REGULATIONS IMPLEMENTING THE DEFERRED RETIREMENT OPTION PROGRAM (DROP)** (Tape 7)

On motion of Supervisor Gross, jointly seconded by Supervisor Hyland and Supervisor Mendelsohn, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapters 2, 4, and 10 of the Personnel Regulations which implements the DROP.

23. **A-4 – AUTHORIZATION TO REALLOCATE AND AUTHORIZE DISBURSEMENT OF UP TO \$50,000 IN TIER TWO REDEVELOPMENT FUNDS FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM FUND OF THE HOUSING TRUST FUND AS A LOAN TO THE ISLAND WALK LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)** (Tape 7)

On motion of Supervisor Hudgins, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the reallocation and the disbursement of up to \$50,000 from the Affordable Housing Partnership Program funds within Fund 144, Housing Trust Fund, for the purpose of conducting studies for the acquisition and rehabilitation of up to 102 rental units.

24. **A-5 – APPROVAL OF CONDITIONS NECESSARY FOR FAIRFAX COUNTY TO ACCEPT A JOB ACCESS/REVERSE COMMUTE GRANT FOR PEDESTRIAN ACCESS IMPROVEMENTS IN THE TYSONS CORNER AREA (PROVIDENCE AND HUNTER MILL DISTRICTS)** (Tape 7)

Supervisor Connolly moved that the Board concur in the recommendation of staff and:

- Approve an amendment to the County's agreement with the Fairfax County Economic Development Authority (EDA), specifically related to labor protection requirements associated with Federal Transit Administration grants, to add Amalgamated Transit Union Local 1708 to the existing protections (also known as the 1990

Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by this grant.

- Approve a \$498,900 local cash match consisting of \$398,900 in developer contributions in Project 009911, Tysons Corner Reserve, within Fund 301, Contributed Roadway Improvement Fund, and the balance in general obligation bonds approved by the voters for transportation purposes.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

Supervisor Connolly credited Delegate James Scott with spearheading HJR276 relating to this project.

Chairman Hanley expressed appreciation to former Senator Charles ("Chuck") Robb for his efforts.

25. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2004**
(Tape 7)

The Board next considered an item contained in the Board Agenda dated September 15, 2003, requesting authorization to adopt the holiday schedule for County employees for calendar year 2004.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding conflicts with the School schedule and County employees who work in the Schools, staff was directed administratively to proceed as proposed.

26. **I-2 – STAFFING ISSUES AND THEIR EFFECT ON SERVICE LAG TIMES IN THE FIRE AND RESCUE DEPARTMENT'S (FRD) FIRE PREVENTION DIVISION** (Tape 7)

The Board next considered an item contained in the Board Agenda dated September 15, 2003, regarding staffing issues in FRD's Fire Prevention Division.

Following discussion, with input from Michael Neuhard, Chief, FRD, the staff was directed administratively to proceed as proposed.

27. **I-3 – FOLLOW-UP EVALUATION FOR TRAFFIC-CALMING MEASURES INSTALLED AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP)** (Tape 7)

The Board next considered an item contained in the Board Agenda dated September 15, 2003, reporting on traffic-calming measures installed as part of R-TAP.

28. **I-4 – FISCAL YEAR (FY) 2005 REGIONAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY PROGRAM PROJECTS** (Tape 7)

The Board next considered an item contained in the Board Agenda dated September 15, 2003, requesting the following:

- Endorsement of the FY 2005 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Projects.
- Approval to pursue funding for FY 2005.

Following discussion, with input from Thomas P. Biesiadny, Chief, Department of Transportation, the staff was directed administratively to proceed as proposed.

29. **I-5 – CHANNEL 16 TO VIDEO STREAM SIGNAL** (Tape 7)

(NOTE: Earlier in the meeting, the Board acknowledged this item. See Clerk's Summary Item CL#3.)

The Board next considered an item contained in the Board Agenda dated September 15, 2003, announcing the initiation of video streaming, beginning with today's meeting. Video streaming of Channel 16 will allow citizens, businesses, and others who do not have access to the County's cable television systems to view County government information.

A brief discussion ensued.

DS:ds

30. **3 P.M. – BOARD DECISION ON THE CREATION OF A SMALL SANITARY DISTRICT FOR REFUSE COLLECTION SERVICE (DRANESVILLE DISTRICT)** (Tape 8)

Supervisor Mendelsohn moved to defer decision on the Creation of a Small Sanitary District for refuse collection service within the Dranesville District until **November 17, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

31. **3 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-034 (TEO CHEW ASSOCIATION OF GREATER WASHINGTON, INCORPORATED) (MASON DISTRICT)** (Tape 8)

(NOTE: At its June 16, 2003, meeting, the Board held a public hearing regarding this item and deferred decision until July 21, 2003. At its July 21, 2003, meeting, the Board deferred decision until August 4, 2003. At its August 4, 2003, meeting, the Board deferred decision until September 15, 2003.)

The application property is located at 3236 Annandale Road, Tax Map 60-2 ((8)) 17.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2002-MA-034, subject to the proposed development conditions dated September 15, 2003.
- Modifications of the transitional screening and barrier requirements, as shown on the special exception plat, and as conditioned.

Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

32. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2002-HM-041 (RIDGE ROAD DEVELOPMENT, LLC) (HUNTER MILL DISTRICT) (Tape 8)**

- (O) (NOTE: At its July 21, 2003, meeting, the Board held a public hearing regarding this item and deferred decision until August 4, 2003. At its August 4, 2003, meeting, the Board deferred decision until September 15, 2003.)

The application property is located on the south side of Ridge Lane, approximately 300 feet west of its intersection with Sunny Creek Court, Tax Map 28-4 ((4)) 7 and 8.

Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-041, from the R-1 District to the R-3 District, subject to the proffers dated July 21, 2003. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Bulova, Supervisor Connolly, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

Supervisor Hudgins moved:

- Waiver of the minimum district size for a cluster subdivision pursuant to Section 9-610 of the Zoning Ordinance.
- Modification of the open space requirement for cluster subdivisions to allow an open space width of less than 50 feet and less than an acre, as shown on the Generalized Development Plan (GDP), pursuant to paragraph 4 of Section 3-309 of the Zoning Ordinance.

- Direction to the Department of Public Works and Environmental Services (DPWES) to approve a modification of the maximum number of pipestem lots permitted from 20 percent to 40 percent, as shown on the GDP.

Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

Supervisor Hudgins moved that the Board direct DPWES to perform routine maintenance checks on both the sewer facilities located off Ridge Lane and Fox Stone, and to respond promptly to any request from citizens in the area between those routine checks to have DPWES staff visit the site and inspect the facilities. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

(NOTE: Later in the meeting, the Board reconsidered this item. See Clerk's Summary Item CL#41.)

33. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 82-5B, REGARDING PROHIBITION AGAINST PARKING WATERCRAFT, BOAT TRAILERS, MOTOR HOMES, AND CAMPING TRAILERS IN CERTAIN AREAS** (Tapes 8-9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 28 and September 4, 2003.

Discussion ensued with input from Paul Mounier, Transportation Planner, Highway Operations Division, Department of Transportation (DOT).

The public hearing was held, which included testimony by 21 speakers, and input from Pamela K. Pelto, Assistant County Attorney; Bruce Taylor, Transportation Planner, Traffic Operations Section, DOT; and Ellen Gallagher, Chief, Traffic Operations Section, DOT.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5B, regarding prohibition against parking watercraft, boat trailers, motor homes, and camping trailers in certain areas, to incorporate changes in the *Code of Virginia*, and other amendments as set forth in Attachment II of the Board Agenda Item dated September 15, 2003. Supervisor Connolly and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

Supervisor Bulova moved that the Board direct staff to review the issue of the 75 percent majority and report with information regarding making changes and looking at where other models are used in Virginia. Supervisor McConnell seconded the motion.

Supervisor Connolly asked to amend the motion to direct staff to report with information analyzing the impact of the change. This was accepted.

Following discussion, the question was called on the motion, as amended, and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

Supervisor Frey moved that the Board direct staff to include specific language on the petition forms regarding the location of the signage.

Following discussion, with input from Ms. Pelto, Supervisor Bulova seconded the motion, and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

DMB:dmb

34. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE RIVERVIEW RESTRICTED PARKING DISTRICT (RPD) (MOUNT VERNON DISTRICT)** (Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 28 and September 4, 2003.

Following the public hearing, which included testimony by five speakers, Supervisor Hyland asked unanimous consent that the Board direct staff to review the electronic version of the County's *Weekly Agenda* and address a method whereby County residents can access a review of a schedule of upcoming events around the County, and not just be referred to a website. Without objection, it was so ordered.

Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, as shown in Attachment 2 of the Board Agenda Item dated September 15, 2003, establishing the Riverview RPD, District 8, in accordance with the current RPD restrictions and to include the Code change adopted earlier by the Board (See Clerk's Summary Item CL#33). The expanded RPD restrictions encompass the following streets:

- 10th Street from Belle Haven Road to I Street
- Boulevard View from Old Towne Road to I Street

- H Street from 11th Street to Boulevard View
- I Street from Wood Haven Road to Boulevard View
- Old Towne Road from 10th Street to Boulevard View

Supervisor Kauffman seconded the motion.

Supervisor Hyland noted that, although the computerized map that some members of the community have accessed indicated that only one side of I Street is covered, the amendment covers both sides of that street.

Following discussion, with input from Pamela K. Pelto, Assistant County Attorney, the question was called on the motion, and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly and Supervisor McConnell being out of the room.

35. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE SOUTHRUN RESTRICTED PARKING DISTRICT (RPD) (MOUNT VERNON DISTRICT)** (Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 28 and September 4, 2003.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Paul Mounier, Transportation Planner, Highway Operations Division, Department of Transportation, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, as shown in Attachment 2 of the Board Agenda Item dated September 15, 2003, establishing the Southrun RPD, District 9, in accordance with the current RPD restrictions, and to include the Code change adopted earlier by the Board (See Clerk's Summary Item CL#33). The proposed District encompasses Southrun Road from the western property line of parcels 98-3 (16))-A1 and 98-3 ((16))-B to the eastern property line of parcels 98-3 ((16))-A and 98-3 ((16))-1 and the entire lengths of the following roads:

- Ambrose Court
- Brutus Court
- Catia Lane

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland

Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova, Supervisor Frey, and Supervisor McConnell being out of the room.

36. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE LACKAWANNA RESTRICTED PARKING DISTRICT (RPD) (LEE DISTRICT)** (Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 28 and September 4, 2003.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Lackawanna RPD, District 10, encompassing the following streets:

- The entire length of Lackawanna Drive
- Laurel Creek Court
- Laurel Creek Lane

Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova, Supervisor Frey, and Supervisor McConnell being out of the room.

37. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-028 (MICHAEL A. AND MARIE K. RICCIARDI) (SULLY DISTRICT)** (Tape 10)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2003-SU-028 until **September 29, 2003, at 3 p.m.** The motion, the second to which was inaudible, carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

38. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-005-2 (VAN, LLC) (SULLY DISTRICT)** (Tape 10)

The application property is located at 5931 Fort Drive, Tax Map 54-4 ((5)) 1A.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 93-Y-005-2, subject to the proffers dated September 11, 2003. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

39. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-005 (KUSTOM KASTLES, LLC) (SULLY DISTRICT)** (Tape 10)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2003-SU-005, until **September 29, 2003, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

40. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-014 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-PR-008 (BRIARWOOD TRACE ASSOCIATES, LLC) (PROVIDENCE DISTRICT)** (Tape 10)

(O) Both properties are located on the east side of Nutley Street, south of I-66, north and south sides of Hideaway Road.

Rezoning Application RZ 2003-PR-014 is associated with Tax Map 48-2 ((7)) (34) 7.

Proffered Condition Amendment Application PCA 2002-PR-008 is associated with Tax Maps 48-2 ((7)) (33) 1, 2, 3, 7A, 9A, 10; 48-2 ((7)) (34) A, B, 1, 3, 5, 9, 11, 14, 16; 48-2 ((7)) (35) 2, 3, 4, and 48-2 ((7)) (36) 1.

Mr. Gregory A. Riegler reaffirmed the validity of the affidavit for the record.

Mr. Riegler had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. John Regan, Jr.

Following the public hearing, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-014, from the R-1 and HC Districts to the PDH-5 and HC Districts, subject to the proffers dated August 19, 2003, and waiver of the minimum district size requirement of two acres for a PDH District for Rezoning Application RZ 2003-PR-014.
- Approval of Proffered Condition Amendment Application PCA 2002-PR-008, subject to the proffers dated August 19, 2003.
- Modification of the open space requirement from 31 percent to 23 percent for the PDH-5 District, per Paragraph 8 of Section 16-401 of the Zoning Ordinance.
- Waiver of the 600-foot maximum length requirement for a private street.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

41. **RECONSIDERATION OF BOARD DECISION ON REZONING APPLICATION RZ 2002-HM-041 (RIDGE ROAD DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)** (Tape 10)

(NOTE: Earlier in the meeting, action on this item was taken. See Clerk's Summary Item CL#32.)

Supervisor Hudgins moved that the Board reconsider its earlier decision on Rezoning Application RZ 2002-HM-041. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Hudgins said that the applicant has offered further clarification to the proffers and the Generalized Development Plan in two letters dated August 22, 2003, and September 15, 2003, respectively. To assist in the implementation of the rezoning, Supervisor Hudgins moved that those letters be formally incorporated in the Board's approval and the Clerk's letter. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor McConnell being out of the room.

42. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-015 (KEITH O. MARTIN) (LEE DISTRICT)** (Tape 10)

(O) The application property is located on the east side of Cinder Bed Road, approximately 400 feet north of Hill Park Drive, Tax Map 99-2 ((1)) 29.

Mr. Gregory J. Budnik reaffirmed the validity of the affidavit for the record.

Mr. Budnik had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-015, from the R-1 District to the I-5 District, subject to the proffers dated August 14, 2003.
- Waiver of the transitional screening requirement along the northern and eastern property lines.
- Waiver of the trail requirement along Cinder Bed Road in favor of the five-foot wide concrete sidewalk shown on the Generalized Development Plan.

Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

43. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-V-012-4 (BOARD OF SUPERVISORS/ DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES) (MOUNT VERNON DISTRICT)** (Tape 10)

The application property is located at 8819 Holland Road, Tax Map 102-1 ((1)) 4 pt.

Ms. Roxanne N. Tomlinson reaffirmed the validity of the affidavit for the record.

Ms. Tomlinson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Gross disclosed that she represents the County on the Inova Healthcare Services Board.

Following the public hearing, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 82-V-012-4, subject to the development conditions dated August 5, 2003.
- Modification of the transitional screening requirement along the western property line to that shown on the SEA Plat.
- Waiver of the barrier requirement along the western property line.

Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

44. **4:30 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2002-MV-037 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 10)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2002-MV-037 until **September 29, 2003, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

45. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-LE-048-2 (MPW, LLC) (LEE DISTRICT)** (Tape 10)

The application property is located on the west side of Beulah Street, north of the Franconia Springfield Parkway, Tax Map 91-1 ((1)) 11B2 and 23C; 91-1 ((28)) 1 and 2.

Mr. Carson L. Fifer, Jr. reaffirmed the validity of the affidavit for the record.

Mr. Fifer had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Kauffman disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. B. Mark Fried and Ms. Barbara J. Fried

Supervisor Gross disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. B. Mark Fried and Ms. Barbara J. Fried

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Lee Stanley B. Levine

Following the public hearing, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA 1998-LE-048-2, subject to the proffers dated September 5, 2003.
- Modification of transitional screening yard requirement and barrier requirement along the southern and eastern boundaries and within Metro Park in favor of that shown on the Conceptual/Final Development Plan Amendment and referenced in the proffers.
- To grant a variance pursuant to Section 164-01 of the Zoning Ordinance to allow a seven foot tall wall in a front yard with regard to the proffered fence along the southern boundary.

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

46. **4:30 P.M. – PH ON REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ 2002-SP-006/FDP 2002-SP-006 (ZIA U. HASSAN) (SPRINGFIELD DISTRICT)** (Tapes 10-11)

The application property is located on the north of the east terminus of Moore Road, approximately 150 feet east of its intersection with Willow Valley Road, Tax Map 55-3 ((1)) 38.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by three speakers, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, with input from Mr. Mayland, Supervisor McConnell moved **denial** of Rezoning/Final Development Plan Application RZ/FDP 2002-SP-006 from the R-1 and WS Districts to the PDH-1 and WS Districts. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

47. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-SU-043 (KUSTOM KASTLES, LLC) (SPRINGFIELD DISTRICT)** (Tape 11)

The application property is located on the west side of Forest Hills Drive, approximately 1,500 feet south of Lee Highway, Tax Map 56-4 ((15)) 30.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved approval of Proffered Condition Amendment Application PCA 1999-SU-043, subject to the proffers dated September 2, 2003. Supervisor Bulova seconded the motion and it carried by unanimous vote.

48. **RECESS/CLOSED SESSION** (Tape 11)

At 6:05 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).

1. *Deborah Crone v. Blaine Underwood*, At Law No. 209909 (Fx. Co. Cir. Ct.)
2. *Board of Supervisors v. Heron Pines, L.C., et al.*, At Law No. 215344 (Fx. Co. Cir. Ct.) (Sully District)
3. *County of Fairfax, Virginia, et al. v. Commonwealth of Virginia, et al.*, LR-334, Circuit Court of the City of Richmond
4. *Carl Jackson and Gloria Willingham v. Sgt. Douglas A. Crooke, et al.*, Civil Action No. 00-2053-A (E.D. Va.)
5. *Julia Friday-Spivey v. Charles Lee Collier and Greater Springfield Volunteer Fire Department*, At Law No. 208609 (Fx. Co. Cir. Ct.)
6. *Fairfax Coalition of Police, Local 5000, Scott Durham, et al. v. Fairfax County, Virginia, and Fairfax County Police Department*, Civil Action No. 03-1068-A (E.D. Va.)
7. *Metromedia Fiber Network, Inc., et al. v. Virginia State Corporation Commission*, Adversary Proceeding No. 02-05357; *Metromedia Fiber Network, Inc., et al. v. County of Fairfax*, Adversary Proceeding No. 02-05358 (United States Bankruptcy Court for the Southern District of New

York) (Hunter Mill, Providence, and Dranesville Districts)

8. *Convista, Inc. v. Fairfax County and Fairfax County Department of Purchasing and Supply Management*, At Law No. 214710 (Fx. Co. Cir. Ct.)
9. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.), Record No. 030982 (Sup. Ct. Va.) (Dranesville District)
10. *The Board of Supervisors of Fairfax County, Virginia, et al. v. Richard M. Robertson*, Record No. 030039 (Sup. Ct. Va.) (Dranesville District)
11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jimmie K. Walker and Margie L. Walker*, In Chancery No. 182748; *Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Supervisors and Fairfax County*, At Law No. 204529; and *Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Zoning Appeals*, At Law No. 210396 (Fx. Co. Cir. Ct.) (Lee District)
12. *Board of Supervisors v. Governors Run, L.P., et al.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. Wal-Mart Stores East, Inc.*, In Chancery No. 181112 (Fx. Co. Cir. Ct.) (Lee District)
14. *Ira and Virginia Cox Limited Partnership, LLP, and Commonwealth Construction Management, Inc., t/a Handyman Concrete v. Board of Zoning Appeals, et al.*, At Law No. 210690; *William E. Shoup, Fairfax County Zoning Administrator v. Ira and Virginia Cox Limited Partnership, LLP*, In

Chancery No. 183107 (Fx. Co. Cir. Ct.)
(Sully District)

15. *William J. Taylor v. Stephen M. Farmer, Stephen M. Farmer, P.C., Penelope Ann Rood, and Thomas Daines*, At Law No. 211840 (Fx. Co. Cir. Ct.)

16. *Board of Supervisors v. Batman/McNair Associates, L.P., et al.*, At Law No. 198639 (Fx. Co. Cir. Ct.) (Hunter Mill District)

17. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Dale Sykes*, In Chancery No. 184111 (Fx. Co. Cir. Ct.) (Providence District)

18. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al.*, In Chancery No. 184232 (Fx. Co. Cir. Ct.) (Dranesville District)

19. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)

20. *W. Gwinn, Fairfax County Zoning Administrator v. Dolores L. Lewis*, In Chancery No. 181989 (Fx. Co. Cir. Ct.) (Dranesville District)

21. *William E. Shoup, Fairfax County Zoning Administrator v. Andreas S. Kolas and Irene Tsiourouti*, In Chancery No. 185404 (Fx. Co. Cir. Ct.) (Mount Vernon District)

22. *William E. Shoup, Fairfax County Zoning Administrator v. Jose Carlos Aguila and Miryam Aguila*, In Chancery No. 185590 (Fx. Co. Cir. Ct.) (Mason District)

23. *Board of Supervisors v. Summerville at Mount Vernon, Inc., et al.*, At Law No. 203058 (Fx. Co. Cir. Ct.) (Mount Vernon District)

24. *Board of Supervisors v. EC Property, L.L.C., et al.*, At Law No. 204276 (Fx. Co. Cir. Ct.) (Springfield District)
25. *County of Fairfax, Virginia, v. Rukhsana Khalid, a/k/a Rukshana Khalid, Rashid Khalid, GMAC Mortgage Corporation, and Specialized, Inc. of Virginia*, In Chancery No. 185680 (Fx. Co. Cir. Ct.) (Braddock District)
26. *Courtyard Management Corporation v. Board of Supervisors of Fairfax County and Fairfax County, Virginia*, In Chancery No. 185405 (Fx. Co. Cir. Ct.) (Providence District)
27. *William E. Shoup, Fairfax County Zoning Administrator v. Rosa M. Benitez*, Civil Case No. 03-27002 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Coalition for Rural Conservation, Inc., Linda Clary, and Mary Jane McWilliams v. Fairfax County Board of Zoning Appeals*, At Law No. 213532 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

Easements required for the development of 11284 Waples Mill Road, project plan #0322-SD-01.

Tax on Local Mobile Telecommunications Services.

Lease Agreement Between Inova Health Systems Foundation and Fairfax Hospital System, Incorporated, and the Board of Supervisors.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

NV:ds

At 8:30 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION**49. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 12)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

50. AUTHORIZATION TO FILE A LAWSUIT AGAINST KEMPER INSURANCE SHOULD NEGOTIATIONS FAIL (Tape 12)

Supervisor Gross moved that the Board authorize the filing of a lawsuit against Kemper Insurance should the County Attorney fail to negotiate a voluntary payment by Kemper of the balance of the County's claim. Supervisor Connolly seconded the motion and it carried by unanimous vote.

51. AUTHORIZATION OF SETTLEMENT IN *DEBORAH CRONE VERSUS BLAINE UNDERWOOD*, AT LAW NUMBER 209909 (Tape 12)

Supervisor Connolly moved that the Board authorize the settlement offer in *Deborah Crone versus Blaine Underwood*, At Law Number 209909, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

52. REJECTION OF SETTLEMENT OFFER IN *BOARD OF SUPERVISORS VERSUS HERON PINES LC, ET AL.*, AT LAW NUMBER 215344 (Tape 12)

Supervisor Frey moved that the Board reject the settlement offer in *Board of Supervisors versus Heron Pine, LC, et al.*, At Law Number 215344, but authorize the County Attorney to make a counteroffer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

NV:nv

53. ANNUAL LITERARY FESTIVAL (Tape 13)

Chairman Hanley said that Fall for the Book, Incorporated, is an educational partnership between the Fairfax County Public Library, George Mason University (GMU), the City of Fairfax, AWP, and Barnes and Noble Booksellers that

produces an annual Literary Festival which allows students from elementary school through college, as well as the general public, to have close contact with authors. The Fifth Annual Fall for the Book Festival will be held at GMU at the Fairfax Campus this week from September 15 through September 20. The Festival will culminate with an award to Tobias Wolff, prominent author of the memoir, *This Boy's Life*, and the forthcoming novel, *Old School*, of the Fairfax Literary Prize in honor of his outstanding lifetime contributions to non-fiction. Parking and admission are free.

Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board issue a proclamation declaring this week "*Fall for the Book Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

54. **DISABILITY EMPLOYMENT AWARENESS MONTH** (Tape 13)

Chairman Hanley said that traditionally October is celebrated as National Disability Employment Awareness Month. To recognize County citizens with disabilities and their contributions to mainstream community life, Chairman Hanley moved that the Board direct staff to invite representatives from the Office of Equity Programs and the Fairfax Area Disability Services Board to the September 29, 2003, meeting to receive a proclamation declaring October as "*Disability Employment Awareness Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

55. **VOLUNTEERFEST** (Tape 13)

Chairman Hanley said that Volunteer Fairfax will sponsor the ninth annual VolunteerFest, Saturday, October 25, 2003. This year's theme is "Volunteers Bring Libraries to Life"; working in partnership with the Fairfax County Public Library, volunteers will provide hands-on support at libraries throughout the County .

Chairman Hanley moved that the Board direct staff to invite the appropriate representatives from Volunteer Fairfax and the Fairfax County Public Library to appear before the Board on September 29, 2003, to receive a proclamation recognizing October 25, 2003, as "*VolunteerFest Day*" in Fairfax County and further moved that the Board direct staff to publicize VolunteerFest activities in the *Weekly Agenda* and on the County's website. Supervisor McConnell seconded the motion and it carried by unanimous vote.

56. **MOSQUITO CONTROL AND WEST NILE VIRUS TOWN MEETING**
(Tape 13)

Chairman Hanley stated that Members of the Board will welcome a panel of experts from the Fairfax County Health Department who will present valuable information about mosquito management and West Nile Virus on Tuesday, September 30 at 7 p.m. in the Government Center Board Auditorium.

Chairman Hanley urged County residents to attend or watch on television. For those who cannot attend in person, the Town meeting will be aired live on Fairfax County Cable Channel 16.

Chairman Hanley said that there will be a question-and-answer session following a presentation. Those persons watching from their homes or offices can submit questions via telephone or email.

Following brief input from Merni Fitzgerald, Director, Office of Public Affairs, Chairman Hanley called the Board's attention to the publicity flier and asked unanimous consent that the Board direct staff to advertise this event. Without objection, it was so ordered.

57. **OCCOQUAN RIVER CLEAN UP DAY** (Tape 13)

Chairman Hanley stated that the Friends of the Occoquan asked for help in publicizing its Occoquan River Fall Clean-Up on Saturday, October 18. Five sites have been selected in Northern Virginia, including three in Fairfax County: Bull Run Marina, Fountainhead Regional Park, and Occoquan Regional Park.

Chairman Hanley asked unanimous consent that the Board direct staff to publicize this event. Without objection, it was so ordered.

58. **RESOLUTION IN SUPPORT OF VIRGINIA'S STUDENTS** (Tape 13)

(R) Chairman Hanley called the Board's attention to a Resolution in support of Virginia's students. Many localities, as well as the Virginia Association of Counties, support it in asking the General Assembly to recognize the importance of education.

Accordingly, Chairman Hanley moved that the Board adopt the Resolution on education. Supervisor Connolly seconded the motion, which carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, Vice-Chairman Hyland, and Chairman Hanley voting "AYE."

59. **LEAGUE OF WOMEN VOTERS OF THE FAIRFAX AREA (LWVFA)**
(Tape 13)

Chairman Hanley said that LWVFA, an organization that provides non-partisan voter information services, in cooperation with Fairfax County Public Schools Adult and Community Education, will present "More Power to You," an overview of how local (county) government works and how it relates to Virginia State government. The four sessions will be held once a month from 7 to 9 p.m. in the Government Center. Each class will be enhanced by the participation of prominent guest speakers representing various aspects of county government.

The fee for the four evening sessions is \$25. A press release has additional information.

Accordingly, Chairman Hanley asked unanimous consent that the Board direct staff to publicize this program. Without objection, it was so ordered.

60. **AUXILIARY POLICE OFFICER (APO) PROGRAM** (Tape 13)

Chairman Hanley said that Mr. David Banks called to her attention an article in this week's *Times Community Newspapers* that highlights the good work that the APOs are doing in the County.

Since the APO Program is launching a recruiting drive, Chairman Hanley said that Mr. Banks asked if it were possible to recognize the work of these volunteers at a Board meeting and "the vital role that they play in making Fairfax County a better place to live, work, and visit."

Accordingly, Chairman Hanley moved that the Board direct staff to invite representatives from the APO to appear before the Board to be recognized for their work. Without objection, it was so ordered.

61. **VINT HILL FARMS STATION WASTEWATER TREATMENT PLANT IN FAUQUIER COUNTY** (Tape 13)

Chairman Hanley called the Board's attention to the issue of the proposed expansion of the Vint Hill Farms Station Wastewater Treatment Plant in Fauquier County. She distributed copies of a letter that she received on the subject from W. Tayloe Murphy, Jr., Secretary of Natural Resources for the Commonwealth of Virginia.

Chairman Hanley moved that the Board direct staff to send a letter to the Virginia Department of Environmental Quality and the State Water Control Board strongly requesting that contingent to the approval of the permit, new water quality monitoring stations be established under the auspices of the Occoquan Watershed Monitoring Program through the Occoquan Watershed Monitoring Laboratory. Funding to support the new monitoring sites should be paid by the permittee and should be exclusive of any fees now paid into the Occoquan Watershed Monitoring Program. Supervisor Gross seconded the motion and it carried by unanimous vote.

62. **FAIRFAX COUNTY ACHIEVEMENTS** (Tape 13)

Chairman Hanley shared the following "good news" items about the County:

- Fairfax County was named to the International Top 12 in the "Balanced e-Government" study conducted by the Bertelsmann Foundation of Germany.

- Chief of Police J. Thomas Manger informed the Board that the Police Department was honored by the Virginia Association of Chiefs of Police for its traffic safety efforts and programs.
- Ronald B. Mallard, Director, Department of Cable Communication and Consumer Protection, was appointed by the chairman of the Federal Communications Commission to a newly established Consumer Advisory Committee.
- The County is recognized in the book *Powering the Future-High Performance Partnerships* where the Medical Care for Children Partnership (MCCP) is recognized for its work.

(NOTE: Later in the meeting, the Board recognized the MCCP. See Clerk's Summary Item CL#77.)

63. **HIGH OCCUPANCY VEHICLE (HOV) ENFORCEMENT TASK FORCE**
(Tape 13)

Chairman Hanley called the Board's attention to a letter from Secretary of Transportation Whittington W. Clement and Secretary of Public Safety John W. Marshall regarding the HOV Enforcement Task Force.

64. **QUARTERLY REPORT OF THE AUDIT COMMITTEE** (Tape 13)

(BACs) Chairman Hanley called the Board's attention to the quarterly report of the Financial and Programs Auditor and moved approval of that report dated September 9, 2003, as well as the report on the Review of Reston Community Center's Fiscal Policies and Practices, also dated September 9, 2003. Supervisor McConnell seconded the motion.

Supervisor Kauffman called the Board's attention to page five of the quarterly report and asked unanimous consent that the Board direct staff to provide a complete report on the Board of Equalization for the last several years. Without objection, it was so ordered.

Supervisor Kauffman called the Board's attention to page ten of the quarterly report and asked unanimous consent that the Board direct staff to provide information regarding the proffers at the time of the land use applications. Without objection, it was so ordered.

A brief discussion ensued.

65. **SHARON KELSO TO STEP DOWN AS CHAIRMAN OF THE HOMELESS OVERSIGHT COMMITTEE** (Tape 13)

(BACs) Chairman Hanley announced that Ms. Sharon Kelso is stepping down as chairman of the Homeless Oversight Committee. Accordingly, Chairman Hanley asked unanimous consent that the Board direct staff to invite Ms. Kelso to appear before the Board to be recognized for her efforts. Without objection, it was so ordered.

66. **TOWN OF HERNDON'S CELLULAR TELEPHONE CONSUMER UTILITY TAX LEGISLATION AND INITIATIVE (DRANESVILLE DISTRICT)** (Tape 13)

(BACs) Chairman Hanley asked unanimous consent that the Board refer to the Legislative Committee the issue of the Town of Herndon's cellular telephone consumer utility tax legislation and initiative for discussion. Without objection, it was so ordered.

67. **WEAPONS ON SCHOOL PROPERTY** (Tape 13)

Chairman Hanley said that legislation from the General Assembly this past year allows students to bring weapons on school property in a locked container, which need be only the trunk of the car. There is some discussion as to whether school boards can overrule on the issue of students coming to school with weapons locked in their cars.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

68. **ITEMS FOR THE BOARD'S LEGISLATIVE COMMITTEE** (Tape 13)

(BACs) Supervisor Kauffman asked unanimous consent that the Board direct staff to include the following items for discussion on the agenda for the next Legislative Committee meeting:

- An update on the public facilities ordinance discussions.
- The Northern Virginia Transportation Authority's action on legislation regarding TDR and development rights, as well as air quality, as a possible determination in dealing with potential downzonings.

Without objection, it was so ordered.

69. **COMMONWEALTH OF VIRGINIA ON BOND WATCH LIST** (Tape 13)

Chairman Hanley announced that the Commonwealth of Virginia was put on a watch list for its AAA bond rating.

70. **AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS)** (Tape 13)

(BACs) Supervisor Gross said that AEDs have saved numerous lives since their introduction for public use a few years ago. She reminded the Board that an AED was used to assist a County employee at the wellness center in the Government Center a year or so ago.

Supervisor Gross said that a constituent called to her attention the fact that AEDs are not required equipment in local health clubs and gyms, and therefore, staff is not required to be certified in the use of AEDs. Adopting such a requirement in the Code of the County of Fairfax may need enabling legislation from the General Assembly, so the timing is appropriate for consideration at the Legislative Committee later this month.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to refer this issue to the Legislative Committee for a recommendation. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct the County Executive to provide the cost of providing AEDs in all police cruisers as well as any fire and rescue vehicles that may not have AEDs.

Following discussion, without objection, it was so ordered.

71. **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)** (Tape 13)

Supervisor Gross said that in early August, Board Members received a memorandum from the County Executive about compliance with the provisions of the HIPAA. The new privacy provisions may hinder Board Members' ability to assist constituents with certain kinds of casework, as now the patient/constituent must provide a written authorization to the covered agencies before any protected health information can be released to a Supervisor's office. The written authorization is warranted, but the situation might be made easier for both constituent and caseworker if a standard written authorization for use by County and Supervisor offices could be developed.

Therefore, Supervisor Gross moved that the Board direct the County Attorney or other appropriate County agency to create an easy-to-understand written authorization form that could be used in County and Supervisor offices and still comply with HIPAA Provisions. Chairman Hanley seconded the motion and it carried by unanimous vote.

72. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MRS. DOROTHY CHANCE (MASON DISTRICT)** (Tape 13)

Supervisor Gross said that Mrs. Dorothy Chance celebrated her one hundredth birthday on September 8. Mrs. Chance has lived in the Sleepy Hollow Woods community in Annandale since 1960, and has been an active resident and a "very

nice lady" according to her neighbors.

Supervisor Gross moved that the Board direct staff to prepare a certificate for presentation to Mrs. Chance, wishing her a happy birthday on behalf of the Board, and that the certificate include both the Chairman's signature and the Mason District Supervisor's name. Supervisor Connolly seconded the motion and it carried by unanimous vote.

73. **CHEROKEE AVENUE "NO PARKING" RESTRICTION (MASON DISTRICT)** (Tape 13)

Supervisor Gross said that she has received a petition signed by six local business owners requesting implementation of a no parking restriction between the hours of 7 p.m. and 7 a.m. on Cherokee Avenue, between Shawnee Road and Patuxent Vista Drive. Out-of-area vehicle owners are parking trucks, motor homes, and other assorted trailers 24 hours a day on this portion of Cherokee Avenue. This is contrary to the intended provision of parking spaces as it limits parking for legitimate employees and patrons of the adjacent business park during daytime hours. Also, these vehicles limit sight distance. If parking were prohibited at night, these truck and trailer owners would have to daily move their vehicles, which would deter them from parking at all along this stretch of Cherokee Avenue.

Therefore, Supervisor Gross moved that the Board direct the staff of the Department of Transportation to install signage prohibiting the parking of all vehicles between 7 p.m. and 7 a.m. on Cherokee Avenue between Shawnee Road and Patuxent Vista Drive. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

74. **HEALTH DEPARTMENT REORGANIZATION ISSUE** (Tape 13)

Supervisor Gross stated that as a result of a Health Department reorganization, Board Members' staff must contact that office through one main line and cannot directly access the health inspectors. Accordingly, she asked unanimous consent that the Board direct the County Executive to examine this change and find a more direct line to health inspectors for complaint follow up. Without objection, it was so ordered.

75. **VIENNA VOLUNTEER FIRE DEPARTMENT (HUNTER MILL DISTRICT)** (Tape 13)

(NOTE: Earlier in the meeting, the Board recognized the Vienna Volunteer Fire Department. See Clerk's Summary Item CL#7.)

With reference to an earlier agenda item regarding the Vienna Volunteer Fire Department, Supervisor Hudgins moved that the Board reaffirm its directive to staff to include a \$1.5 million allocation to assist the Vienna Volunteer Fire Department in its renovation. Supervisor Connolly seconded the motion and it carried by unanimous vote.

76. **SPECIAL EXCEPTION APPLICATION SE 2003-HM-004 (HUNTER MILL DISTRICT)** (Tape 13)

Supervisor Hudgins stated that Ms. Sunita Singh filed Special Exception Application SE 2003-HM-004, to provide home day care services at 13262 Middleton Farm Lane, Oak Hill, for ten children.

Supervisor Hudgins moved that the Board direct staff to schedule a public hearing to be held before the Board on October 20, 2003, for Special Exception Application SE-2003-HM-004. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

77. **MEDICAL CARE FOR CHILDREN PARTNERSHIP (MCCP)** (Tape 13)

(NOTE: Earlier in the meeting, the Board took note of the performance of the MCCP. See Clerk's Summary Item CL#62.)

Supervisor Hudgins noted that the County's MCCP was selected as one of the eight high performance partnerships in the United States by the National Academy of Public Administration (NAPA).

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the members of MCCP to appear before the Board to be recognized for its recognition by the NAPA and the work it does in providing medical care for uninsured children. Supervisor McConnell seconded the motion and it carried by unanimous vote.

78. **VOTER EDUCATION MONTH AND EARLIER START TIME FOR THE SEPTEMBER 29, 2003, MEETING** (Tape 13)

Supervisor Hudgins said that all registered voters in the County on Tuesday, November 4, 2003, will have the opportunity to cast their vote using the WINvote machine. A test of electronic voting machines took place in the Hunter Mill District in six precincts and the feedback received from the precincts was positive. As a result of the successful pilot program and the successful election, the WIN vote machines have been purchased for the entire County. The machines are user friendly, ADA compliant, and less costly than the previous voting machines.

Supervisor Hudgins said that for the first time in the November election, County employees can use administrative leave and receive the normal stipend to serve as an election officer. The pilot program is an effort to encourage all citizens to become active in their civic responsibilities in their communities.

In an effort to remind all citizens about the importance of their votes, Supervisor Hudgins moved that the Board:

- Proclaim the month of October as "*Fairfax County Voter Education Month.*"
- Direct staff to invite the members of the Electoral Board to appear before the Board to be recognized and to receive a proclamation at the September 29, 2003, Board meeting.

Supervisor Bulova seconded the motion.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, and Catherine A. Chianese, Assistant to the County Executive, Chairman Hanley announced that the September 29, 2003, meeting will begin at **9 a.m.**

The question was called on the motion, and it carried by unanimous vote.

79. **BUSINESS INCUBATOR PROGRAM (HUNTER MILL DISTRICT)**
(Tape 13)

Supervisor Hudgins said that the Incubator Program, a successful business mentorship program under the auspicious of the Greater Reston Chamber of Commerce, has just graduated Advance Radio Corporation, a specialty surveillance company.

Supervisor Hudgins noted that the Incubator Program, created in 1999, assists small and new businesses by providing them with needed tools: access to a consultant bank, educational programs, mentoring accountants, networking opportunities, and office space. These services are all sponsored by volunteer businesses, the Lerner Corporation; Access National Bank; Hale and Dorr LLP; Cooley Godward LLP; Miller Musmar, CPA's, P.C.; and Pricewaterhousecoopers LLP under the umbrella of the Greater Reston Chamber of Commerce.

In honor of this new success and the success of the Incubator Program, Supervisor Hudgins moved that the Board direct staff to invite the representatives of Greater Reston Chamber of Commerce Incubator Program to appear before the Board to be recognized for their financial and educational support of this worthy endeavor. Chairman Hanley seconded the motion and it carried by unanimous vote.

80. **TWENTIETH RESTON TRIATHLON (HUNTER MILL DISTRICT)**
(Tape 13)

Supervisor Hudgins said that the twentieth Reston Triathlon was held this year on Sunday, September 7, 2003. It is held annually on the second Sunday in September. The event has become a fall tradition in Reston and Northern Virginia, with over 400 athletes of all ages swimming in Lake Thoreau, cycling

along the roads, and running through the streets and trails of Reston. The event is organized by the all-volunteer Reston Triathlon Association, with assistance provided on the day of the event by the Fairfax County Police Department. She also noted that David P. Bobzien, County Attorney, is one of those volunteers.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the organizing committee representatives of the Reston Triathlon Association and others to appear before the Board to receive recognition for the Association's outstanding efforts as organizers of the Reston Triathlon and in recognition of the twentieth anniversary of the Reston Triathlon. Chairman Hanley seconded the motion and it carried by unanimous vote.

81. **RESTON MULTICULTURAL FESTIVAL (HUNTER MILL DISTRICT)**
(Tape 13)

Supervisor Hudgins reminded the Board and citizens that the Annual Reston Multicultural Festival will be held Saturday, September 20, 2003, from 10 a.m. to 6 p.m. at Lake Anne Village Center. This year's theme is "Embrace our Global Celebration." She invited everyone to the event.

PW:pw

82. **BOARD PUBLIC HEARING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-BR-017 (BRADDOCK DISTRICT)**
(Tape 14)

Supervisor Bulova said that over the past year and a half, Christopher Management, Incorporated has been working to develop five parcels located on Rust Road between the City of Fairfax and the Expo/Food Lion Shopping Center north of Lee Highway in the Braddock District. In September 2002, as a part of the South County APR process, the Board approved an amendment to the Fairfax County Comprehensive Plan for this site. Following that approval, the applicant filed a rezoning application. The applicant has proffered to nearly everything that is applicable under both the new Residential Criteria and the Fairfax Center Overlay.

Therefore, Supervisor Bulova moved that the Board direct staff to schedule a public hearing to be held by the Board regarding Rezoning/Final Development Plan Application RZ/FDP 2003-BR-017 on October 27, 2003. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, nor does it prejudice the consideration of this application in any way. Chairman Hanley seconded the motion and it carried by unanimous vote.

83. **CENTRAL FAIRFAX CHAMBER OF COMMERCE FORTY-FIFTH ANNIVERSARY** (Tape 14)

In honor of the Central Fairfax Chamber of Commerce's Forty-fifth Anniversary, Supervisor Bulova moved that the Board:

- Declare Friday, September 19, 2003, as "*Central Fairfax Chamber of Commerce Day*" in Fairfax County.
- Direct staff to provide a proclamation to honor this group at its forty-fifth anniversary dinner on September 19, 2003, for the work that it does to support the economy and community of the County.

Supervisor Connolly seconded the motion and it carried by unanimous vote.

84. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MASTER TECHNICIAN JOHN C. MAYERS (SPRINGFIELD DISTRICT)** (Tape 14)

Supervisor McConnell said that Master Technician John C. Mayers has been selected by the Fairfax County Fire and Rescue Department as the 2003 Career Firefighter of the Year. A 21-year-veteran Master Technician, Mayers is assigned to the Fair Oaks Fire and Rescue Station 21, which is in the Springfield District. In addition to being a Lead Instructor and member of the advisory group for the Technical Rescue Operations Team, he also served on Virginia Task Force 1 as a rescue squad officer, technical search specialist, and rescue specialist since 1989. He is also a 2003 recipient of the Bronze Medal for Valor awarded by the Fairfax County Chamber of Commerce.

Therefore, Supervisor McConnell moved that the Board direct staff to invite Master Technician Mayers to appear before the Board at a future date for recognition of his outstanding service to Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

85. **ALL STAR TEAMS FROM WEST SPRINGFIELD LITTLE LEAGUE (SPRINGFIELD DISTRICT)** (Tape 14)

Supervisor McConnell said that during this past summer, two All Star teams from the West Springfield Little League had tremendous success in a series of tournaments in which they participated. The National nine and ten year olds were District IX Champions and the Virginia State Runners Up. The American 11 and 12 year olds were District IX and Virginia State Champions and a Southeast Regional Runner Up.

Therefore, Supervisor McConnell moved that the Board direct staff to invite these teams and their coaches to appear before the Board at a future date to appropriately recognize them for their athletic accomplishments. Supervisor Hyland seconded the motion and it carried by unanimous vote.

86. **WAIVER OF THE FEES FOR THE SHOWMOBILE (SPRINGFIELD DISTRICT)** (Tape 14)

Supervisor McConnell said that Christ Church, located in Fairfax Station, requested the County Showmobile for use at its annual "Welcome Back" celebration which was held Sunday, September 7 from 4 p.m. until 8 p.m. Normally, the event would have been inside; however, this year the event happened to fall on an evening in which they also held a regional youth worship service.

Therefore, Supervisor McConnell moved waiver of the fees associated with the use of the Showmobile on September 7, 2003. Supervisor Bulova seconded the motion.

David P. Bobzien, County Attorney, stated that the Board cannot waive the fee for a church.

87. **WAIVER OF THE FEES FOR THE SHOWMOBILE (SPRINGFIELD DISTRICT)** (Tape 14)

Supervisor McConnell said that the Clifton Betterment Association requested the County Showmobile for use on Clifton Day, which is scheduled for Sunday, October 12 from 9 a.m. to 5 p.m. with a rain date of October 19. She noted that this day long event attracts over 25,000 visitors to the Town of Clifton and is the major fundraiser which many of the Clifton area non-profit groups rely on as their principal funding source.

Therefore, Supervisor McConnell, in recognition of the contribution to community spirit this event brings, moved waiver of the fees associated with the use of the Showmobile for Clifton Day on October 12, 2003. Supervisor Connolly seconded the motion and it carried by unanimous vote.

PMH:pmh

88. **FAIRFAX COUNTY GOVERNMENT TELEWORK SURVEY** (Tape 15)

Supervisor Connolly referred to the County Government Telework Survey sent by the County Executive to the Senior Management Team. As is pointed out in the memorandum, the survey demonstrates the progress the County is making with its efforts to expand teleworking for County employees. As the report also states, however, "there is work to be done to reach the goal of 1,000 teleworkers by 2005," or 20 percent of eligible workers, which is part of the regional goal set during the first Washington Area Conference on Telework (WACOT) held at the Fairfax County Government Center. He commended Mr. Griffin for his leadership in this important effort. He also expressed his appreciation to Catherine A. Chianese, Assistant to the County Executive; and Carol Stuart Goldberg for the invaluable role they have played in the development and expansion of telework in the County government.

89. **MUSCULAR DYSTROPHY CAMPAIGN** (Tape 15)

Supervisor Connolly said that County firefighters and paramedics continued a long standing tradition this past Labor Day weekend. They raised over \$200,000 for Muscular Dystrophy.

Supervisor Connolly noted that his office is located at Fire Station 30, in Merrifield, and the men and women of Station 30 have a special place in his heart. He reported that Station 30 set a new Countywide campaign record with \$30,000 collected in Station 30 boots.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to send a letter of congratulations to the Fire Department and certificates of recognition to Station 30 and Local 2068 of the International Association of Firefighters. Without objection, it was so ordered.

90. **TAX PAYMENT WITH A CREDIT CARD** (Tape 15)

Supervisor Connolly said that a constituent contacted his office regarding the payment of his personal property tax bill. According to the constituent he learned in the notice that came with his tax bill that he could pay by phone with a credit card. He followed the directions for payment over the phone and once he entered all information he was advised that he would be charged an extra \$12 dollar processing fee for paying with a credit card. The constituent was disturbed because notification of the fee was not written on the information enclosed with his personal property tax bill and there was no announcement at the beginning of the telephone call notifying him in advance of the charge.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the County Executive to initiate a review of the current credit card payment procedures and make appropriate changes needed to inform citizens of the charges involved. Without objection, it was so ordered.

91. **EXPEDITED AND CONCURRENT PROCESSING FOR GRAHAM ROAD ELEMENTARY (PROVIDENCE DISTRICT)** (Tape 15)

Supervisor Connolly said that the Graham Road Elementary School is preparing to expand to accommodate anticipated enrollment growth. Currently the elementary school is 68,000+ square feet. The School Board proposes an addition, for a total proposed gross square footage of 80,000 square feet, mostly by adding eight modular classrooms with the flexibility to add two more at a later date.

Therefore, Supervisor Connolly moved that the Board direct the Department of Public Works and Environmental Services to accept all associated site plans for concurrent processing and that the zoning review be expedited by the Department of Planning and Zoning for the Graham Road Elementary School, Tax Map parcels 50-3-((2))-11A and 50-3-((1))-A. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards,

and does not prejudice the consideration of the rezoning application in any way. Supervisor McConnell seconded the motion and it carried by unanimous vote.

92. **LEGISLATIVE BREAKFAST DATE** (Tape 15)

Supervisor Connolly said that this year the Board again will host a breakfast meeting for the Fairfax County delegation to distribute and discuss the County's legislative program for the upcoming 2004 General Assembly. The Board's legislative schedule, including all committee meeting dates, has previously been circulated. The date for the breakfast has just been confirmed and letters will be mailed today to the delegation and candidates for the General Assembly so that they may mark their calendars. The event will be 7:30 a.m., Wednesday, December 10, 2003, at the Fairview Park Marriott. Final invitations will be sent shortly after the November election.

93. **EASTWOOD PROPERTIES, INCORPORATED - OLD MILL ROAD PROPERTY (SULLY DISTRICT)** (Tape 15)

Supervisor Frey said that Eastwood Properties has filed a rezoning application on Tax Map Parcels 65-1-((1)) 6, 18, 19, 20 and 21. The property is generally located west of Old Mill Road and north of Mount Olive Road. The conceptual development plan/final development plan anticipates a realignment and reconstruction of Old Mill Road, and ultimately, vacation and/or abandonment of residual right-of-way. For this reason, the applicant has requested that the Board consent to the filing of the rezoning application.

Therefore, Supervisor Frey moved that the Board consent to the filing of a rezoning application on portions of Old Mill Road located adjacent to Tax Map Parcels 65-1-((1)) 18, 19, 20 and 21; 65-1-((7)) 127, 128, 129, Parcels D1, and E1, 225, 226, 228, and 229. The applicant understands that approval of this motion does not relieve it of any obligation, ordinance or standards, and does not prejudice the consideration of the application or the subsequent abandonment and/or vacation applications in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

94. **CENTREVILLE DAY (SULLY DISTRICT)** (Tape 15)

Supervisor Frey said that every year, the Centreville Community Foundation sponsors Centreville Day, a family event with the purpose of building community spirit in Centreville. This year's event was held at the Old Centreville Crossing shopping center and the Centreville Historic District on Saturday, September 13, 2003. The festivities included a parade, live entertainment, crafters and vendors, food vendors, children's activities, and tours of the Historic District.

Supervisor Frey stated that the Centreville Community Foundation is a non-profit organization, and this year the proceeds from the event will go towards restoring the Centreville Historic District and the Southwest Youth Association Field of Dreams.

In the interests of maximizing the benefits from this event, Supervisor Frey moved waiver of the fees for the Showmobile and the trash removal fees. Supervisor Bulova seconded the motion.

Following discussion, with input from Anthony H. Griffin, the question was called on the motion and it carried by unanimous vote.

Supervisor Frey expressed his appreciation to Chairman Hanley and Supervisor Connolly for attending Centreville Day.

95. **REQUEST FOR INFORMATION REGARDING THE SHERIFF'S OFFICE** (Tape 15)

Supervisor Frey noted that he had received questions and complaints regarding the appropriateness of the use of taxpayer funded Sheriff's deputies and their vehicles in a partisan political manner.

Therefore, Supervisor Frey moved that the Board direct the County Executive to review this issue and report his findings regarding what was spent by the Sheriff's Office for Centreville Day and whether the activities, campaigning by Sheriff's deputies on County time, is appropriate for County paid staff. Supervisor Mendelsohn seconded the motion.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board:

- Direct staff to provide the Board with the personnel regulations.
- Allow the Sheriff to respond to the concerns.

Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to report with information for the Sheriff's Office regarding who has "take home" vehicles and where they live.

Chairman Hanley asked unanimous consent that the Board direct staff to re-circulate the report with the "take home" list for all of the County employees. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

A brief discussion ensued.

96. **POHICK EPISCOPAL CHURCH FIFTY-EIGHTH ANNUAL POHICK COUNTRY FAIR (MOUNT VERNON DISTRICT)** (Tape 15)

Supervisor Hyland said that on September 27, 2003, (*Raindate: October 4, 2003*) Pohick Episcopal Church, Truro Parish will hold its fifty-eighth Annual Pohick Country Fair.

Therefore, Supervisor Hyland moved that the Board:

- Direct staff to issue a proclamation declaring Saturday, September 27, 2003, as "*Historic Pohick Church Day*" in Fairfax County, in celebration of the fifty-eighth anniversary of the Pohick Church Country Fair.
- Waive the Temporary Special Use Permit fee for this event.

The second to this motion was inaudible.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by unanimous vote.

97. **CONGRATULATIONS TO ENGINE COMPANY 11 IN GROVETON (MOUNT VERNON DISTRICT)** (Tape 15)

Supervisor Hyland said that he recently received a letter from Ms. Nellie Quander, who wrote to express her gratitude for the service she received from the men and women at Engine Company 11 in Groveton.

Supervisor Hyland said that Ms. Quander recounted her experience and he quoted her as follows:

- *"I expected them to be knowledgeable and efficient, but they were far more. They were kind, gentle, and sensitive as they treated her and transported her to the hospital. A 95 year old who suffers varied degrees of dementia is very much like your child. I deeply appreciate the kindness and tenderness the workers demonstrated while working with my mother."*

Supervisor Hyland moved that the Board direct staff to send a letter of commendation signed by the Chairman to Technician Schwartz, Captain Lange, Firefighter Brummund, Lieutenant Morris, Lieutenant Batson, and Firefighter Smith for their extraordinary care and treatment of Ms. Quander's mother and that a copy of this, and her letter, be placed in each of the team members' personnel files. Supervisor Connolly seconded the motion and it carried by unanimous vote.

98. **REQUEST FOR AUTHORIZATION TO BE CONVEYED BY THE HEALTH DEPARTMENT REGARDING ENFORCEMENT OF THE AIR POLLUTION CONTROL ORDINANCE** (Tape 15)

Supervisor Hyland said that in response to his Board Matter of June 16 concerning the idling of bus engines, he received a memorandum from the County Attorney dated August 19, 2003.

Supervisor Hyland said that according to the memorandum, enforcement responsibility of the Air Pollution Control Ordinance falls under the purview of the Director of the Department of Health or his/her duly authorized agent. He added that the Department of Health Environmental Health Program Manager said that this authorization has not been granted to the Police Department. Without such authorization, the Fairfax County Police Department has no authority to enforce the Air Pollution Control Ordinance.

Supervisor Hyland noted that the County's ordinance allows buses to idle for a maximum of three minutes. Since this is more restrictive than the State's regulations which allow for ten minutes, the County's ordinance takes precedence. However, without the County Police's ability to enforce either three or ten minutes, buses continue to idle.

Accordingly, Supervisor Hyland moved that the Board direct the Director of the Department of Health to authorize the Fairfax County Police Department, as its agent, to enforce the Air Pollution Control Ordinance as stipulated in the Fairfax County Code. Chairman Hanley seconded the motion and it carried by unanimous vote.

A brief discussion ensued.

99. **DEFERRAL OF REAL ESTATE TAXES** (Tape 15)

Supervisor Hyland referred to a recent memorandum from the County Attorney responding to a constituent inquiry that he had forwarded which called for the Board to establish a real estate tax deferral program for Fairfax County taxpayers who have been residents of the County for more than ten years. He added that he had also asked for an opinion from the County Attorney that stipulates the extent of the County's authority under the Virginia Code to adopt such a deferral program.

Further, Supervisor Hyland said that he understands that the *Virginia Code* also authorizes local adoption of a real estate tax deferral program that is unrelated to age, impaired physical or mental condition, total combined income, or net worth. According to the attached opinion, Va. Code Ann. § 58.1-3219 provides:

- [a]ny county . . . may adopt, by ordinance, a deferral program for real estate taxes, in such amount as the ordinance may prescribe, subject to the limitations and conditions of this article. The local governing body shall

adopt, by ordinance, the terms and conditions of the program and whether the deferral program shall only apply to real estate owned by and occupied as the sole dwelling of the taxpayer or whether the program shall apply to all property.

- Va. Code Ann. § 58.1-3219 (LNMB 2000).

Although not restricted by age, physical or mental disability, or income or net worth considerations, the tax deferral program authorized by Va. Code Ann. § 58.1-3219 imposes other restrictions, conditions, and requirements upon potential participants.

In short, the *Virginia Code* vests in the County the authority to adopt two different real estate tax deferral programs. He said that the provision would permit the Board to allow a person whose assessment increases over 105 percent over the last year's assessment has an opportunity to defer taxes on that increment which may be over the 105 percent of the last year's assessment. He added that this proposal would allow those persons, at their option, a way of limiting the net tax that would be collected from them if the assessments are double digits.

Therefore, Supervisor Hyland asked unanimous consent that this issue be referred to staff for review and recommendations within 30 days and, further, in accordance with the provisions cited in the *Virginia Code*, assemble a draft ordinance to implement a real estate tax deferral program. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board direct staff to provide the fiscal implications of such a program. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to report its findings at a Budget Committee meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

A brief discussion ensued.

100. **LORTON COMMUNITY ACTION CENTER CAPITAL IMPROVEMENT PROJECT (CIP) (MOUNT VERNON DISTRICT)** (Tape 15)

Supervisor Hyland said that in the mid 1980s, the Board approved a CIP for a combination Lorton Library and Lorton Community Action Center. Funding was approved for the Lorton Library, and hence the Lorton Library was completed. However, the Lorton Community Action Center remained in the CIP as an unfunded project for several years after the completion of the Lorton Library. In the mid 1990s, due to significant fiscal restraints impacting the CIP, references to

the Lorton Community Action Center project were deleted from the CIP Program. This project continues to be a significant priority in the Lorton community.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to include the Lorton Community Action Center in the next five year CIP for consideration by the Board. Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn voting "NAY."

101. **CONCERNS ABOUT FUTURE NOISE WALLS ON RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (Tape 15)

Supervisor Hyland expressed concern that as Richmond Highway revitalization efforts progress, residential developments spring up, and the expansion of the highway to six and possibly eight lanes, that noise abatement will become a growing problem. It is a positive occurrence that developers are finally recognizing the opportunities which exist along the corridor but with residential construction comes the advent of massive noise walls. Currently, this is not the case. Developers have been required to place tastefully constructed sound barriers between Richmond Highway and the housing units, but these are attractive, usually nicely landscaped, sometimes bermed and feature brick or combination walls.

Supervisor Hyland said that it was brought to his attention recently that when Richmond Highway does eventually expand, the prevailing standards for the Virginia Department of Transportation (VDOT) will take precedence over the County's criteria which allegedly is less stringent and that tall, potentially unattractive highway walls will need to be installed to meet VDOT's more stringent noise abatement standards at that time. What this has the prospect of doing is to create a tunnel-like effect through the entire length of Richmond Highway.

Further, when the County approves residential projects that do not comply with State standards, those projects will not be eligible for State funding of the needed future noise walls. The County will be required to pay for them. If this information about the VDOT requirement to install its 'standard' noise wall is correct and that the County would have to take on the cost of installing walls in residential sections to State standards, this will fully detract from any revitalization improvements achieved to date and could prove to be an unanticipated financial burden for the County's taxpayers.

Supervisor Hyland moved that the Board refer this matter to staff for a thorough review and that they report their findings and recommendations by October. Supervisor McConnell seconded the motion and it carried by unanimous vote.

102. **GOOD EVENING TO SUPERVISOR CONNOLLY'S WIFE, DAUGHTER AND FRIEND FROM CHICAGO (PROVIDENCE DISTRICT)** (Tape 15)

Supervisor Connolly said good evening to his wife, daughter, and friend from Chicago who were present in the Board Auditorium.

103. **CONCURRENT PROCESSING OF PLANS FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-060-03 (DRANESVILLE DISTRICT)** (Tape 15)

Supervisor Mendelsohn said that Dulles Green LLP is the applicant for Proffered Condition Amendment Application PCA 89-D-060-03. He noted that the applicant has worked very cooperatively with its neighbor, the Reflection Homes community, and thus would benefit from concurrent processing of its plans to move this project forward as soon as possible.

Therefore, Supervisor Mendelsohn moved that the Board direct staff of the Department of Public Works and Environmental Services and the Department of Planning and Zoning to proceed with concurrent processing of the site plan of Proffered Condition Amendment Application PCA 89-D-060-03. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for the rezoning application. Chairman Hanley seconded the motion and it carried by unanimous vote.

104. **CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2003-DR-019 (DRANESVILLE DISTRICT)** (Tape 15)

Supervisor Mendelsohn said that the Trustees of Church Friends Meeting of Langley Hill is the applicant for Rezoning Zoning Application RZ-2003-DR-019 and Special Permit Application SP-2003-DR-013 to change the portion of its property zoned R-1 to R-2 for floor area ratio purposes to facilitate adding an approximately 700-square foot two-story addition to the existing church. The property is located at 6410 Georgetown Pike, Tax Map number 22-3 ((1)) Parcels 48, within the Langley Fork Historic District and is also on the National Register of Historic Places. He noted that the applicant has worked very cooperatively with the community and has addressed all issues and concerns.

Therefore, Supervisor Mendelsohn moved that the Board direct staff of the Department of Public Works and Environmental Services and the Department of Planning and Zoning to proceed with concurrent processing of this application. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for the rezoning application. Chairman Hanley seconded the motion and it carried by unanimous vote.

105. **TURNER FARM TEAM (DRANESVILLE DISTRICT)** (Tape 15)

Supervisor Mendelsohn said that the Turner Farm Team is a community-based group of volunteers that through its affiliation with Brogue Charities, Incorporated, a tax exempt non-profit organization, has raised substantial funds and in-kind contributions to assist in the development of the Turner Farm, a Park Authority property in Great Falls.

Supervisor Mendelsohn said that the Turner Farm Team has been working with the Park Authority over the last two years to develop park facilities at the Turner Farm. The efforts and involvement of the Turner Farm Team have focused on demolition of the surplus building structures, followed by the development of a playground and installation of equestrian fencing. All of this work has been accomplished in coordination with the adopted park master plan. Donations of materials and services from this community organization, coupled with Park Bond Funds and Mastenbrook Grants, have expanded significantly the development opportunities at this park. In cooperation with the Park Authority, the Turner Farm Team is currently prepared to submit site plans to construct an equestrian riding ring and parking lot. The funding for this project will also involve services and materials donated by the community.

Therefore, in consideration of this public benefit and the continued effort and dedication of the Turner Farm Team to the development of the park, Supervisor Mendelsohn moved waiver of the application fees and any and all other fees associated with site plan submission and review. This motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations or adopted standards. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

106. **WASHINGTON POST ARTICLE REGARDING CONFLICT OF INTEREST ACT** (Tape 15)

Supervisor Mendelsohn referred to an article in the *Washington Post* one week ago on Sunday regarding the discussion of an opinion from the County Attorney regarding the Conflicts of Interest Act and a Board Member. He added that he had an opinion from the County Attorney several months ago regarding a similar situation in which it was restrictive of his activities and caused him to recuse himself on a land use case.

Therefore, Supervisor Mendelsohn moved that the Board direct the County Attorney to take the allegations of the article and the two opinion letters and refer them to the Commonwealth Attorney to report with a opinion to the Board so that Board Members can be guided in the future as to what exactly Board Members can and cannot do regarding outside employment. Supervisor Frey seconded the motion.

Following a lengthy discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Mendelsohn voting "AYE."

107. **BOARD ADJOURNMENT** (Tape 15)

At 10:05 p.m., the Board adjourned.

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